



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1019/P1

FFK:|:....

nwn

In 1-24-11

DOA:.....Skwarczek, BB0220 - Create an income maintenance administration unit and repeal the Milwaukee County enrollment services unit

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SAV
X-ref

1 ^{don't gen.} AN ACT ...; relating to: the budget.✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES✓

PUBLIC ASSISTANCE✓

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 20.435 (4) (bm) of the statutes is amended to read:
3 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
4 *administration; contract costs, insurer reports, and resource centers. Biennially, the*

1 amounts in the schedule to provide a portion of the state share of administrative
 2 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
 3 Badger Care health care program under s. 49.665 ~~and to provide, for costs to~~
 4 administer income maintenance programs, as defined in s. 49.78 (1) (b), including
 5 the state share of administrative costs for the food stamp program under s. 49.79,
 6 other than payments to ~~counties~~ and tribal governing bodies under s. 49.78 (8), to
 7 develop and implement a registry of recipient immunizations, to reimburse 3rd
 8 parties for their costs under s. 49.475, for costs associated with outreach activities,
 9 for state administration of state supplemental grants to supplemental security
 10 income recipients under s. 49.77, to administer the pharmacy benefits purchasing
 11 pool under s. 146.45, and for services of resource centers under s. 46.283. No state
 12 positions may be funded in the department of health services from this
 13 appropriation, except positions for the performance of duties under a contract in
 14 effect before January 1, 1987, related to the administration of the Medical Assistance
 15 program between the subunit of the department primarily responsible for
 16 administering the Medical Assistance program and another subunit of the
 17 department or for positions in the income maintenance administration unit, as
 18 described in s. 49.78 (1m). Total administrative funding authorized for the program
 19 under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

****NOTE: This appropriation specifically prohibits the funding of state positions for this account with an exception for positions related to a contract in effect before January 1, 1987. First, does DHS want moneys from this appropriation account to be available to fund positions in the unit? Second, is the existing exception outdated and, if so, should it be removed?

NOTE: NOTE: Par. (bm) is shown as amended eff. 1-1-11 by 2009 Wis. Act 28. Prior to 1-1-11 it reads:NOTE:

(bm) Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers. Biennially, the amounts in the schedule to provide a portion of the state share of administrative contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department

1 primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the
2 program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

3 **SECTION 2.** 20.435 (4) (bn) of the statutes is amended to read:

4 20.435 (4) (bn) *Income maintenance and funeral and cemetery expenses.* ✓

5 Biennially, the amounts in the schedule for funeral expenses under s. 49.785, for
6 administration of the food stamp employment and training program under s. 49.79
7 (9), for the performance of income maintenance administrative activities on behalf
8 of a local entity, as defined in s. 30.77 (3) (dm) 1. b., and, for payments, if any, to tribal
9 governing bodies under s. 49.78 (8) relating to the administration of the Medical
10 Assistance program under subch. IV of ch. 49, the Badger Care health care program
11 under s. 49.665, and the food stamp program, and for payments to counties and tribal
12 governing bodies relating to the administration of the cemetery, funeral, and burial
13 expenses program under s. 49.785. ✓

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

14 **SECTION 3.** 20.435 (4) (im) of the statutes is amended to read:

15 20.435 (4) (im) *Medical assistance; correct payment recovery; collections; other*
16 *recoveries.* All moneys received from the recovery of correct medical assistance
17 payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7),
18 and all moneys received as collections and other recoveries from providers, drug
19 manufacturers, and other 3rd parties under medical assistance performance-based
20 contracts, and all moneys credited to this appropriation account under s. 49.89 (7)

1 ~~(f)~~[✓], for payments to counties and tribal governing bodies under s. 49.496 (4) ~~(a)~~[✓], for
 2 payment of claims under s. 867.035 (3), for payments to the federal government for
 3 its share of medical assistance benefits recovered, for the state share of medical
 4 assistance benefits provided under subch. IV of ch. 49, and for costs related to
 5 collections and other recoveries.[✓]

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

6 **SECTION 4. 20.435 (4) (L) of the statutes is amended to read:**

7 **20.435 (4) (L) *Fraud and error reduction.*** All moneys received as the state's
 8 share of the recovery of overpayments and incorrect payments under ss. 49.497 (1)
 9 and (1m), 49.793 (2) ~~(a)~~[✓], and 49.847, all moneys received from counties and tribal
 10 governing bodies as a result of any error reduction activities under ss. 49.197 and
 11 49.845, and all moneys credited to this appropriation account under ss. 49.497 (2) ~~(b)~~[✓],
 12 49.793 (2) ~~(b)~~[✓], and 49.847 (3) ~~(b)~~[✓], for any contracts under s. 49.197 (5), for any
 13 activities to reduce error and fraud under s. 49.845, to pay federal sanctions under
 14 the food stamp program, and for food stamp reinvestment activities under
 15 reinvestment agreements with the federal department of agriculture that are
 16 designed to improve the food stamp program.[✓]

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

17 **SECTION 5. 20.435 (4) (nn) of the statutes is amended to read:**

18 **20.435 (4) (nn) *Federal aid; income maintenance.*** All moneys received from the
 19 federal government for the costs of contracting for the administration of the Medical

Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and the food stamp program, other than moneys received under par. (pa), for costs to administer income maintenance programs, as defined in s. 49.78 (1) (b), including any payments under s. 49.78 (8).

****NOTE: Does "costs of contracting for the administration of MA, etc." refer to the department's costs to administer MA or only to the costs of contracts with third parties to administer MA? I assumed that the unit would receive the federal funds that were going to the counties for the administration of the income maintenance programs. Is this correct?

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

SECTION 6. 20.545 (1) (i) of the statutes is amended to read:

20.545 (1) (i) *Services to nonstate governmental units.* The amounts in the schedule for the purpose of funding personnel services to nonstate governmental units under s. 230.05 (8), including services provided under ss. 49.78 (5) 49.19 (19g) (b) and 59.26 (8) (a). All moneys received from the sale of these services shall be credited to this appropriation account.

History: 2003 a. 33 ss. 623 to 630d, 646m, 9160; 2007 a. 20; 2009 a. 28.

SECTION 7. 40.02 (25) (b) 2c. of the statutes is amended to read:

40.02 (25) (b) 2c. A state employee described in s. ~~49.825 (4)~~ or 49.826 (4).

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335; 2007 a. 20, 131, 226; 2009 a. 15, 28.

SECTION 8. 40.22 (2) (m) of the statutes is amended to read:

40.22 (2) (m) Notwithstanding sub. (3m), the employee was formerly employed by Milwaukee County, is a state employee described in s. 49.825 (4), 2009 stats., or 49.826 (4), and elects to remain a covered employee under the retirement system established under chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c), 2009 stats.

1 or 49.826 (4) (c). This paragraph shall not apply if the employee remains a state
2 employee, but is no longer performing services for the Milwaukee County enrollment
3 services unit under s. 49.825, 2009 stats.✓ or the child care provider services unit
4 under s. 49.826.✓

History: 1981 c. 96, 386; 1989 a. 13; 1991 a. 152; 1993 a. 399; 1995 a. 216; 1997 a. 69, 110; 1999 a. 150 s. 672; 2001 a. 104; 2009 a. 15, 28.

5 **SECTION 9.** 40.62 (2) of the statutes is amended to read:

6 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
7 of the department, any collective bargaining agreement under subch. I, V, or VI of
8 ch. 111, and ss. 13.121 (4), 36.30, ~~49.825 (4) (d)~~✓, 49.826 (4) (d), 230.35 (2), 233.10,
9 757.02 (5) and 978.12 (3).✓

History: 1981 c. 96; 1987 a. 309; 1989 a. 13, 31; 1995 a. 27; 2009 a. 15, 28.

10 **SECTION 10.** 46.215 (1) (intro.) of the statutes is amended to read:

11 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
12 of 500,000 or more the administration of welfare services, other than child welfare
13 services under s. 48.48 (17) administered by the department and except as provided
14 in ss. 49.155 (3g), ~~49.825~~✓ 49.78 (1m), and 49.826, is vested in a county department
15 of social services under the jurisdiction of the county board of supervisors under s.
16 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services
17 under this section applies to a county department under s. 46.21 (2m) in its
18 administration under s. 46.21 (2m) of the powers and duties of the county
19 department of social services. Except as provided in ss. 49.155 (3g), ~~49.825~~✓ 49.78
20 (1m)✓, and 49.826, the county department of social services shall have the following
21 functions, duties, and powers, and such other welfare functions as may be delegated
22 to it:✓

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 15, 28, 180, 334.

23 **SECTION 11.** 46.22 (1) (b) 1. (intro.) of the statutes is amended to read:

1 46.22 (1) (b) 1. (intro.) The Except as provided in s. 49.78 (1m), the county
2 department of social services shall have the following functions, duties and powers
3 in accordance with the rules promulgated by the department of health services and
4 subject to the supervision of the department of health services:✓

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334.

5 **SECTION 12.** 46.22 (1) (b) 2. d. of the statutes is repealed.✓

6 **SECTION 13.** 46.22 (1) (d) of the statutes is amended to read:

7 46.22 (1) (d) *Merit system; records.* The county department of social services
8 is subject to s. ~~49.78 (4) to (7)~~ 49.19 (19g). The county department of social services
9 and all county officers and employees performing any duties in connection with the
10 administration of aid to families with dependent children shall observe all rules
11 promulgated by the department of children and families under s. ~~49.78 (4)~~ 49.19
12 (19g) (a) and shall keep records and furnish reports as the department of children
13 and families requires in relation to their performance of such duties.✓

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334.

14 **SECTION 14.** 46.22 (2) (b) of the statutes is amended to read:

15 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
16 to s. ~~49.78 (4) to (7)~~ 49.19 (19g) and the rules promulgated thereunder and subject
17 to the approval of the county board of supervisors in a county with a single-county
18 department of social services or the county boards of supervisors in counties with a
19 multicounty department of social services.✓

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334.

20 **SECTION 15.** 46.22 (3m) (a) of the statutes is amended to read:

46.22 (3m) (a) In any county with a county executive or a county administrator that has established a single-county department of social services, the county executive or county administrator, subject to s. ~~49.78 (4) to (7)~~ 49.19 (19g) and the rules promulgated thereunder, shall appoint and supervise the county social services director. The appointment is subject to the confirmation of the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; 2009 a. 28, 180, 334.

SECTION 16. 46.27 (7) (am) of the statutes is amended to read:

46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department shall allocate funds to each county or private nonprofit agency with which the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. 49.45 ~~or 49.78 (2)~~. The department shall reimburse counties for the cost of assessing persons who are eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) ~~as part of the administrative services of medical assistance, payable~~, as provided under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long-term community support services and for a risk reserve under par. (fr).

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33; 2005 a. 22, 25, 264, 386, 387; 2007 a. 20 ss. 904 to 921, 9121 (6) (a); 2007 a. 141; 2009 a. 2.

SECTION 17. 49.155 (3g) (intro.) and 49.155 (3g) (b) of the statutes are consolidated, renumbered 49.155 (3g) and amended to read:

49.155 (3g) CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. (intro.) In a county having a population of 500,000 or more all of the following apply: (b) ~~The, the~~

1 department may establish a child care provider services unit, as provided in s.
2 49.826, to perform the provider services functions specified in s. 49.826 (2) (a).[✓]

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

3 **SECTION 18.** 49.155 (3g) (a) of the statutes is repealed.[✓]

4 **SECTION 19.** 49.197 (2) (cm) of the statutes is amended to read:

5 49.197 (2) (cm) Any amounts recovered with respect to the child care subsidy
6 program under s. 49.155 by a county department in a county having a population of
7 500,000 or more as a result of a program under par. (b) or due to the efforts of an
8 employee of such a county who is supervised by the department ~~or the department~~
9 ~~of health services under s. 49.825~~ shall be credited to the appropriation account
10 under s. 20.437 (2) (me).[✓]

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

11 **SECTION 20.** 49.197 (4) of the statutes is amended to read:

12 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
13 services contracts with the department under sub. (5), the department shall provide
14 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
15 bodies of federally recognized American Indian tribes administering Medical
16 Assistance under subch. IV, the food stamp program under 7 USC 2011 to 2036, the
17 supplemental security income payments program under s. 49.77, the program
18 providing payments for the support of children of supplemental security income
19 recipients under s. 49.775, and the Badger Care health care program under s. 49.665,
20 as applicable, to offset administrative costs of reducing payment errors in those
21 programs.[✓]

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

22 **SECTION 21.** 49.45 (2) (a) 3. of the statutes is amended to read:

49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance, rehabilitative, and social services under ss. 49.46, 49.468, 49.47, and 49.471 and rules and policies adopted by the department and may, under a contract under s. 49.78 (2), delegate all, or any portion, of this function to ~~the county department under s. 46.215, 46.22, or 46.23~~ or a tribal governing body.✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

SECTION 22. 49.45 (2) (b) 2. of the statutes is amended to read:

49.45 (2) (b) 2. Contract with any organization whether or not organized for profit to administer, in full or in part, the benefits under the medical assistance program including prepaid health care. ~~The department shall accept bids on contracts~~ Contracts for administrative services and services evaluating the medical assistance program ~~as provided in ch. 16, but shall be exempt from ch. 16.~~✓ The department may accept the contract deemed most advantageous for claims processing services; or contract with any insurer authorized under the insurance code of this state to insure the program in full or in part and on behalf of the department.✓ The department shall submit a report each December 31 to the governor, the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), regarding the effectiveness of the management information system for monitoring and analyzing medical assistance expenditures.✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

SECTION 23. 49.45 (3) (a) of the statutes is amended to read:

1 49.45 (3) (a) Reimbursement shall be made to each county department under
2 ss. 46.215, 46.22, and 46.23 for ~~any administrative services performed in the Medical~~
3 ~~Assistance program on the basis of s. 49.78 (8).~~↓ For purposes of reimbursement
4 under this paragraph, assessments completed under s. 46.27 (6) (a) are
5 ~~administrative services performed in the Medical Assistance program.~~✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

6 **SECTION 24.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

7 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
8 department shall give the applicant or recipient reasonable notice and opportunity
9 for a fair hearing. The department may make such additional investigation as it
10 considers necessary. Notice of the hearing shall be given to the applicant or recipient
11 and, if a county department under s. 46.215, 46.22, or 46.23 is responsible for making
12 made the medical assistance determination, to the county clerk of the county.✓ The
13 county may be represented at such hearing. The department shall render its decision
14 as soon as possible after the hearing and shall send a certified copy of its decision to
15 the applicant or recipient, and to the county clerk, ~~and to any county officer charged~~
16 ~~with administration of the Medical Assistance program.~~✓ The decision of the
17 department shall have the same effect as an order of a county officer charged with
18 the administration of the Medical Assistance program of the county that made the
19 medical assistance determination.✓ The decision shall be final, but may be revoked
20 or modified as altered conditions may require. The department shall deny a petition
21 for a hearing or shall refuse to grant relief if:✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6;

1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

1 **SECTION 25.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

2 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
3 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
4 suspended, reduced, or discontinued until a decision is rendered after the hearing
5 but medical assistance payments made pending the hearing decision may be
6 recovered by the department if the contested decision or failure to act is upheld. If
7 a county department is ~~responsible for making~~ made the medical assistance
8 determination, the department shall notify the county department of the county in
9 which the recipient resides that the recipient has requested a hearing. Medical
10 assistance coverage shall be suspended, reduced, or discontinued if:✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

11 **SECTION 26.** 49.45 (19) (bm) of the statutes is amended to read:

12 49.45 (19) (bm) The department ~~or the county department under s. 46.215 or~~
13 ~~46.22~~ shall notify applicants of the requirements of this subsection at the time of
14 application.✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

15 **SECTION 27.** 49.45 (34) of the statutes is amended to read:

16 49.45 (34) MEDICAL ASSISTANCE MANUAL. The department shall prepare a
17 medical assistance manual that is clear, comprehensive and consistent with this
18 subchapter and 42 USC 1396a to 1396u and shall, no later than July 1, 1992, provide

1 ~~the manual to counties for use by county employees who administer the medical~~
2 ~~assistance program.~~ ✓

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

3 **SECTION 28.** 49.465 (2) (a) of the statutes is amended to read:

4 49.465 (2) (a) If the woman applies for benefits under s. 49.46 or 49.47 within
5 the time required under sub. (4), the day on which the department ~~or the county~~
6 ~~department under s. 46.215, 46.22 or 46.23~~ determines whether the woman is
7 eligible for benefits under s. 49.46 or 49.47. ✓

History: 1987 a. 27, 307, 413; 1989 a. 9; 1989 a. 31 ss. 1460p, 2909g, 2909i; 1991 a. 269; 1995 a. 289; 1997 a. 27.

8 **SECTION 29.** 49.47 (3) (b) of the statutes is amended to read:

9 49.47 (3) (b) The ~~agency~~ department ✓ shall promptly review the application and
10 shall issue a certificate to the individual showing eligibility when eligibility has been
11 established. ✓

****NOTE: I did not see a definition of "agency." I inserted "department" to clarify
who reviews the applications and determines eligibility. ✓

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180.

12 **SECTION 30.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

13 49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4)
14 within the time required under par. (d), the benefits specified in subd. 1. or 2.,
15 whichever is applicable, end on the day on which the department ~~or the county~~
16 ~~department under s. 46.215, 46.22, or 46.23~~ determines whether the woman or child
17 is eligible for benefits under sub. (4). ✓

History: 2007 a. 20; 2009 a. 28, 180, 219.

18 **SECTION 31.** 49.472 (7) (a) of the statutes is amended to read:

1 49.472 (7) (a) Determine eligibility, or contract with ~~a county department~~, as
2 defined in ~~49.45 (6e) (a) 3.~~, or with a tribal governing body to determine eligibility,
3 of individuals for the medical assistance purchase plan in accordance with sub. (3). ✓

History: 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2009 a. 2.

4 **SECTION 32.** 49.473 (2) (intro.) of the statutes is amended to read:

5 49.473 (2) (intro.) A woman is eligible for medical assistance as provided under
6 sub. (5) if, after applying to the department ~~or a county department~~, the department
7 ~~or a county department~~ determines that she meets all of the following requirements: ✓

History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2.

8 **SECTION 33.** 49.473 (3) (intro.) of the statutes is amended to read:

9 49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~
10 for medical assistance, a woman is eligible for medical assistance as provided under
11 sub. (5) beginning on the date on which a qualified entity determines, on the basis
12 of preliminary information, that the woman meets the requirements specified in sub.
13 (2) and ending on one of the following dates: ✓

History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2.

14 **SECTION 34.** 49.473 (3) (a) of the statutes is amended to read:

15 49.473 (3) (a) If the woman applies to the department ~~or a county department~~
16 for medical assistance within the time limit required under sub. (4), the day on which
17 the department ~~or county department~~ determines whether the woman meets the
18 requirements under sub. (2). ✓

History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2.

19 **SECTION 35.** 49.473 (3) (b) of the statutes is amended to read:

20 49.473 (3) (b) If the woman does not apply to the department ~~or county~~
21 ~~department~~ for medical assistance within the time limit required under sub. (4), the
22 last day of the month following the month in which the qualified entity determines
23 that the woman is eligible for medical assistance. ✓

History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2.

1 **SECTION 36.** 49.473 (4) of the statutes is amended to read:

2 49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible
3 for medical assistance shall apply to the department ~~or county department~~ no later
4 than the last day of the month following the month in which the qualified entity
5 determines that the woman is eligible for medical assistance.✓

6 History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2.

6 **SECTION 37.** 49.473 (6) (b) of the statutes is amended to read:

7 49.473 (6) (b) Inform the woman at the time of the determination that she is
8 required to apply to the department ~~or a county department~~ for medical assistance
9 no later than the last day of the month following the month in which the qualified
10 entity determines that the woman is eligible for medical assistance.✓

11 History: 2001 a. 16, 104; 2003 a. 33; 2007 a. 20; 2009 a. 2. \

11 **SECTION 38.** 49.496 (4) (a) of the statutes is renumbered 49.496 (4) and
12 amended to read:

13 49.496 (4) The department may require a county department under s. 46.215,
14 46.22, or 46.23 or the governing body of a federally recognized American Indian tribe
15 administering medical assistance to gather and provide the department with
16 information needed to recover medical assistance under this section. ~~Except as~~
17 ~~provided in par. (b), the~~ The department shall pay to a county department or tribal
18 governing body an amount equal to 5% of the recovery collected by the department
19 relating to a beneficiary for whom the county department or tribal governing body
20 made the last determination of medical assistance eligibility. A county department
21 or tribal governing body may use funds received under this ~~paragraph subsection~~✓
22 only to pay costs incurred under this ~~paragraph subsection~~✓ and, if any amount
23 remains, to pay for improvements to functions required under s. 49.78 (2). The
24 department may withhold payments under this ~~paragraph subsection~~✓ for failure to

1 comply with the department's requirements under this ~~paragraph~~ subsection.[✓] The
2 department shall treat payments made under this ~~paragraph~~ subsection[✓] as costs of
3 administration of the Medical Assistance program.[✓]

History: 1991 a. 39, 269; 1993 a. 301, 437, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2003 a. 33; 2007 a. 20; 2009 a. 15.[✓]

4 **SECTION 39.** 49.496 (4) (b) of the statutes is repealed.[✓]

5 **SECTION 40.** 49.496 (5) of the statutes is amended to read:

6 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the
7 department shall pay the amount of the payments under sub. (4) (a)[✓] that is not paid
8 from federal funds, shall pay to the federal government the amount of the funds
9 recovered under this section equal to the amount of federal funds used to pay the
10 benefits recovered under this section, and shall spend the remainder of the funds
11 recovered under this section for medical assistance benefits under this subchapter.[✓]

History: 1991 a. 39, 269; 1993 a. 301, 437, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2003 a. 33; 2007 a. 20; 2009 a. 15.

12 **SECTION 41.** 49.497 (1) (b) of the statutes is amended to read:

13 49.497 (1) (b) The department's right of recovery is against any Medical
14 Assistance or Badger Care recipient to whom or on whose behalf the incorrect
15 payment was made. The extent of recovery is limited to the amount of the benefits
16 incorrectly granted. The ~~county department under s. 46.215 or 46.22 or the~~
17 governing body of a federally recognized American Indian tribe administering
18 Medical Assistance or Badger Care ~~shall~~ may begin recovery actions on behalf of the
19 department according to rules promulgated by the department.[✓]

****NOTE: Is it intended that a tribe continue to be authorized to begin recovery
actions on behalf of the department?[✓]

History: 1981 c. 20; 1983 a. 27, 192; 1985 a. 176; 1987 a. 27; 1989 a. 31, 173, 359; 2005 a. 25, 254; 2007 a. 20, 97; 2009 a. 15.

20 **SECTION 42.** 49.497 (2) (a) of the statutes is renumbered 49.497 (2) and
21 amended to read:

22 49.497 (2) ~~Except as provided in par. (b), a~~ [↓] A county or governing body of a
23 federally recognized American Indian tribe may retain 15% of benefits provided

1 under this subchapter or s. 49.665 that are recovered under this section due to the
2 efforts of an employee or officer of the county or tribe.✓

3 History: 1981 c. 20; 1983 a. 27, 192; 1985 a. 176; 1987 a. 27; 1989 a. 31, 173, 359; 2005 a. 25, 254; 2007 a. 20, 97; 2009 a. 15.✓

3 **SECTION 43.** 49.497 (2) (b) of the statutes is repealed.✓

4 **SECTION 44.** 49.78 (1) (b) of the statutes is amended to read:

5 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
6 program under subch. IV of ch. 49, the Badger Care health care program under s.
7 49.665, and the food stamp program under 7 USC 2011 to 2036, ~~or the cemetery,~~
8 ~~funeral, and burial expenses program under s. 49.785.~~✓

9 **SECTION 45.** 49.78 (1) (bm)✓ of the statutes is created to read:

10 49.78 (1) (bm) "Income maintenance worker"✓ means a person employed by the
11 department or a tribal governing body whose duties include determining eligibility
12 for income maintenance programs.✓

13 **SECTION 46.** 49.78[^] (1) (f) of the statutes is created to read:

14 49.78 (1) (f) "Unit"^x means the income maintenance administration unit.✓

15 **SECTION 47.** 49.78[^] (1m) of the statutes is created to read:

16 49.78 (1m) ESTABLISHMENT OF UNIT.✓ The department shall establish an income
17 maintenance administration unit under s. 15.02 (3) (c) 3.✓ to administer income
18 maintenance programs in this state.✓ Administration of income maintenance
19 programs includes the following:✓

20 (a) Receiving applications.✓

21 (b) Determining eligibility.✓

22 (c) Conducting fraud investigation and fraud prevention activities.✓

23 (d) Implementing error reduction procedures.✓

24 (e) Recovering overpayments of benefits.✓

1 [^]
SECTION 48. 49.78 (1r) of the statutes is created to read:

2 49.78 (1r) ADMINISTRATION BY A TRIBAL GOVERNING BODY. [✓]A tribal governing body [✓]
3 may administer income maintenance programs by electing to have the unit
4 administer the tribe's income maintenance programs or by providing the required
5 administrative services and entering into a contract with the department for
6 reimbursement under sub. (2). [✓]

7 **SECTION 49.** 49.78 (2) of the statutes is amended to read:

8 49.78 (2) CONTRACTS. Annually, for the income maintenance administrative
9 program functions, if any, that the department delegates to a ~~county or~~ tribal
10 governing body, ~~the department and county department under s. 46.215, 46.22, or~~ [✓]
11 ~~46.23 shall enter into a contract, and the department and tribal governing body may~~
12 enter into a contract, for reimbursement of the ~~county department or~~ tribal
13 governing body for the reasonable cost of administering income maintenance
14 programs. [✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

15 **SECTION 50.** 49.78 (4) of the statutes is renumbered 49.19 (19g) (a) and
16 amended to read:

17 49.19 (19g) (a) ~~RULES, MERIT SYSTEM.~~ [✓]The department of children and families [✓]
18 shall promulgate rules for the efficient administration of aid to families with
19 dependent children in agreement with the requirement for federal aid, including the
20 establishment and maintenance of personnel standards on a merit basis. The
21 provisions of this section subsection [✓]relating to personnel standards on a merit basis
22 supersede any inconsistent provisions of any law relating to county personnel. This

1 ~~subsection~~ paragraph shall not be construed to invalidate the provisions of s. 46.22

2 (1) (d).

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

3 **SECTION 51.** 49.78 (5) of the statutes is renumbered 49.19 (19g) (b) and
4 amended to read:

5 49.19 (19g) (b) ~~PERSONNEL EXAMINATIONS~~ Statewide examinations to ascertain
6 qualifications of applicants in any county department administering aid to families
7 with dependent children shall be given by the administrator of the division of merit
8 recruitment and selection in the office of state employment relations. The office of
9 state employment relations shall be reimbursed for actual expenditures incurred in
10 the performance of its functions under this section from the appropriations available
11 to the department of ~~children and families~~ for administrative expenditures.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

LPS. Pls. chg comp.
12 **SECTION 52.** 49.78 (6) of the statutes is renumbered 49.19 (19g) (c) and
13 amended to read:

14 49.19 (19g) (c) ~~PERSONNEL LISTS~~ All persons who are qualified as a result of
15 examinations shall be certified to the counties in which they reside at the time of
16 examination; if there are no resident qualified persons for any class of positions on
17 the list certified to the county, appointments shall be made from available lists
18 without regard to residence within the county.

Sec #. 49.78 (6) (title); RPV
History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

19 **SECTION 53.** 49.78 (7) of the statutes is renumbered 49.19 (19g) (d) and
20 amended to read:

21 49.19 (19g) (d) ~~COUNTY PERSONNEL SYSTEMS~~ Pursuant to rules promulgated
22 under sub. (4) par. (a), the department of ~~children and families~~ where requested by
23 the county shall delegate to that county, without restriction because of enumeration,

1 any or all of the authority of the department ~~of children and families~~ under sub. (4)
2 par. (a) to establish and maintain personnel standards including salary levels.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

3 **SECTION 54.** 49.78 (8) (a) of the statutes is amended to read:

4 49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn)
5 and subject to par. (b), the department shall reimburse each ~~county~~ and tribal
6 governing body that contracts with the department under sub. (2) for reasonable
7 costs of administering the income maintenance programs, including conducting
8 fraud prevention activities. The amount of each reimbursement paid under this
9 paragraph shall be calculated using a formula based on workload within the limits
10 of available state and federal funds under s. 20.435 (4) (bn) and (nn) by contract
11 under sub. (2). The amount of reimbursement calculated under this paragraph and
12 par. (b) is in addition to any reimbursement provided to a ~~county~~ or tribal governing
13 body for fraud and error reduction under s. 49.197 or 49.845.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

14 **SECTION 55.** 49.78 (8) (b) of the statutes is amended to read:

15 49.78 (8) (b) The department may adjust the amounts determined under par.
16 (a) for workload changes and computer network activities performed by a ~~county~~ or
17 tribal governing body and may reduce the amount of any reimbursement if federal
18 reimbursement is withheld due to audits, quality control samples, or program
19 reviews.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

20 **SECTION 56.** 49.78 (10) (title) of the statutes is amended to read:

21 49.78 (10) (title) ~~COUNTY~~ TRIBAL GOVERNING BODY CERTIFICATION.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

22 **SECTION 57.** 49.78 (10) (a) of the statutes is amended to read:

1 49.78 (10) (a) ~~Each county treasurer and director of a county department under~~
2 ~~s. 46.215, 46.22, or 46.23~~[✓] ~~that contracts with the department under sub. (2)~~[✓] and each
3 Each tribal governing body that contracts with the department under sub. (2) shall
4 certify monthly under oath to the department in such manner as the department
5 prescribes the claim of the ^{plain}~~county or~~ tribal governing body for state reimbursement
6 under sub. (8) (a)[✓]. The department shall review each claim of reimbursement and,
7 if the department approves the claim, the department shall certify to the department
8 of administration for reimbursement to the ~~county or~~ tribal governing body for
9 amounts due under sub. (8) (a) and payment claimed to be made to the ~~counties or~~
10 tribal governing bodies monthly.[✓] The department may make advance payments
11 prior to the beginning of each month equal to one-twelfth of the contracted amount.[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

12 **SECTION 58.** 49.78 (10) (b) of the statutes is amended to read:

13 49.78 (10) (b) To facilitate prompt reimbursement, the certificate of the
14 department may be based on the certified statements of the ~~county officers or~~ tribal
15 governing body executives filed under par. (a)[✓]. Funds recovered from audit
16 adjustments from a prior fiscal year may be included in subsequent certifications
17 only to pay ~~counties~~ tribal governing bodies[✓] owed funds as a result of any audit
18 adjustment.[✓] By September 30 annually, the department shall submit a report to the
19 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out
20 during the previous calendar year as a result of audit adjustments.[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

21 **SECTION 59.** 49.78 (11) (a) 1. of the statutes is amended to read:

22 49.78 (11) (a) 1. The department, ~~a county department under s. 46.215, 46.22,~~
23 ~~or 46.23,~~ or a tribal governing body may request from any person in this state

1 information it determines appropriate and necessary for determining or verifying
2 eligibility or benefits for a recipient under any income maintenance program. Unless
3 access to the information is prohibited or restricted by law, or unless the person has
4 good cause, as determined by the department in accordance with federal law and
5 regulations, for refusing to cooperate, the person shall make a good faith effort to
6 provide the information within 7 days after receiving a request under this paragraph
7 subdivision.[✓] The department, ~~county department~~, or tribal governing body, or
8 employees of any either of them, may not disclose information obtained under this
9 subdivision for any purpose not connected with the administration of the income
10 maintenance program for which the information was requested.[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

11 **SECTION 60.** 49.78 (11) (a) 2. of the statutes is amended to read:

12 49.78 (11) (a) 2. In conjunction with any request for information under subd.
13 1., including a request made by subpoena under par. (b), the department, ~~county~~
14 ~~department~~, or tribal governing body shall advise the person of the time by which the
15 information must be provided.[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

16 **SECTION 61.** 49.78 (11) (b) of the statutes is amended to read:

17 49.78 (11) (b) The department, ~~a county department~~, or a tribal governing body
18 may issue a subpoena,[✓] in substantially the form authorized under s. 885.02, to
19 compel the production of financial information or other documentary evidence for
20 determining or verifying eligibility or benefits for a recipient under any income
21 maintenance program.[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

22 **SECTION 62.** 49.78 (11) (c) 1. of the statutes is amended to read:

1 49.78 (11) (c) 1. Allowing access to financial or other records by the department,
2 ~~a county department~~, or a tribal governing body in response to a request under par.
3 (a) or a subpoena described in par. (b).[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

4 **SECTION 63.** 49.78 (11) (c) 2. of the statutes is amended to read:

5 49.78 (11) (c) 2. Disclosing information from financial or other records to the
6 department, ~~a county department~~, or a tribal governing body in response to a request
7 under par. (a) or a subpoena described in par. (b).[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

8 **SECTION 64.** 49.78 (11) (c) 3. of the statutes is amended to read:

9 49.78 (11) (c) 3. Any other action taken in good faith to comply with this
10 subsection or a subpoena described in par. (b) or to comply with a request for
11 information or access to records from the department, ~~a county department~~, or a
12 tribal governing body for determining or verifying eligibility or benefits for a
13 recipient under any income maintenance program.[✓]

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20; 2009 a. 15, 28.

14 **SECTION 65.** 49.785 (1) (intro.) of the statutes is amended to read:

15 49.785 (1) (intro.) Except as provided in sub. (1m) ~~and subject to s. 49.825~~,[✓] if
16 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is
17 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
18 recipient, the ~~department~~ ^{or} county or applicable tribal governing body or
19 organization responsible for burial of the recipient shall pay, to the person
20 designated by the ~~department~~ ^{or} county department under s. 46.215, 46.22, or 46.23
21 or applicable tribal governing body or organization responsible for the burial of the
22 recipient, all of the following:[✓]

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

1 **SECTION 66.** 49.785 (1m) (a) of the statutes is amended to read:

2 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
3 the ~~department or~~ county or applicable tribal governing body or organization
4 responsible for burial of the recipient is not required to make a payment for the
5 cemetery expenses under sub. (1) (a).✓

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

6 **SECTION 67.** 49.785 (1m) (b) of the statutes is amended to read:

7 49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed
8 \$4,500, the ~~department or~~ county or applicable tribal governing body or organization
9 responsible for burial of the recipient is not required to make a payment for funeral
10 and burial expenses under sub. (1) (b).✓

NOTE: NOTE: Par. (b) is shown as affected effective 1-1-11 by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). Prior to 1-1-11 it reads:NOTE:

11 (b) If the total funeral and burial expenses for the recipient exceed \$3,500, the department or county or applicable tribal governing body or organization responsible
12 for burial of the recipient is not required to make a payment for funeral and burial expenses under sub. (1) (b).

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

13 **SECTION 68.** 49.785 (1m) (c) of the statutes is amended to read:

14 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
15 months after the death of the recipient, the ~~department or~~ county or applicable tribal
16 governing body or organization responsible for burial of the recipient is not required
17 to make a payment for cemetery, funeral, or burial expenses.✓

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

18 **SECTION 69.** 49.785 (2) of the statutes is amended to read:

19 49.785 (2) From the appropriation under s. 20.435 (4) (bn), the department
20 shall reimburse a county or applicable tribal governing body or organization for any
21 amount that the county or applicable tribal governing body or organization is
22 required to pay under sub. (1) if the county or applicable tribal governing body or
23 organization complies with sub. (3). From the appropriation under s. 20.435 (4) (bn),

1 the department shall reimburse a county or applicable tribal governing body or
2 organization for cemetery expenses or for funeral and burial expenses for a person
3 described under sub. (1) that the county or applicable tribal governing body or
4 organization is not required to pay under subs. (1) and (1m) only if the department
5 approves the reimbursement due to unusual circumstances and if the county or
6 applicable tribal governing body or organization complies with sub. (3). From the
7 appropriation under s. 20.435 (4) (bn),[✓] the department shall reimburse a county or
8 applicable tribal governing body for the reasonable costs of administering payments
9 made under this section.[✓]

****NOTE: Under current law, counties and tribes are reimbursed for administering the funeral and burial program under s. 49.78.[✓] The funeral and burial program will continue to be administered by counties because it is not included in the definition of income maintenance programs and is therefore not administered by the unit.[✓] The language added in this section maintains the status quo, that counties are reimbursed for administering the funeral and burial program.[✓] Is this consistent with the intent of the request?[✓]

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20; 2009 a. 15, 393; 13.92 (2) (i).

10 **SECTION 70.** 49.79 (3) (a) of the statutes is amended to read:

11 49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable
12 for all food stamp coupons lost, misappropriated, or destroyed while under the
13 ~~county's or~~ tribe's direct control, except as provided in par. (b).[✓]

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

14 **SECTION 71.** 49.79 (3) (b) of the statutes is amended to read:

15 49.79 (3) (b) A ~~county or~~ federally recognized American Indian tribe is not liable
16 for food stamp coupons lost in natural disasters if it provides evidence acceptable to
17 the department that the coupons were destroyed and not redeemed.[✓]

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

18 **SECTION 72.** 49.79 (3) (c) of the statutes is amended to read:

1 49.79 (3) (c) A ~~county or~~ federally recognized American Indian tribe is liable
2 for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and
3 lost in the mail due to incorrect information submitted to the department by the
4 ~~county or~~ tribe.✓

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

5 **SECTION 73.** 49.79 (4) of the statutes is amended to read:

6 49.79 (4) DEDUCTIONS FROM ~~COUNTY~~✓ INCOME MAINTENANCE PAYMENTS. The
7 department shall withhold the value of food stamp losses for which a ~~county or~~
8 federally recognized American Indian tribe is liable under sub. (3) from the payment
9 to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and
10 reimburse the federal government from the funds withheld.✓

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

11 **SECTION 74.** 49.79 (9) (a) 1. of the statutes is amended to read:

12 49.79 (9) (a) 1. The department shall administer an employment and training
13 program for recipients under the food stamp program and may contract under s.
14 49.78 ~~with county departments under ss. 46.215, 46.22, and 46.23,~~✓ and with tribal
15 governing bodies to carry out the administrative functions.✓ The department may
16 contract, or a ~~county department or~~ tribal governing body may subcontract, with a
17 Wisconsin Works agency or another provider to administer the employment and
18 training program under this subsection.✓ Except as provided in subds. 2. and 3., the
19 department may require able individuals who are 18 to 60 years of age who are not
20 participants in a Wisconsin Works employment position to participate in the
21 employment and training program under this subsection.✓

****NOTE: This change assumes that the unit will be administering an employment
and training program for recipients of the food stamp program.✓ If this is incorrect, and,✓
this duty will remain with the county, how will the department contract with counties?

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

~~SECTION 75. 49.793 (1) of the statutes is amended to read: 49.793 (1) The department or a county or an elected governing body~~

of a federally recognized American Indian tribe or band acting on behalf of the department, may recover overpayments that arise from an overissuance of food coupons under the food stamp program administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in accordance with 7 USC 2022.

SECTION 76. 49.793 (1) of the statutes is amended to read:

49.793 (1) The department ~~or a county~~ or an elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may recover overpayments that arise from an overissuance of food coupons under the food stamp program administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d ~~49.78~~. Recovery shall be made in accordance with 7 USC 2022.

****NOTE: Is deleting "or a county" ^{here} too restrictive in this? Would the unit ever ask a county to act on its behalf?

History: 2001 a. 16 ss. 1656ty, 1656tym; Stats. 2001 s. 49.793; 2009 a. 15.

SECTION 77. 49.793 (2) (a) of the statutes is renumbered 49.793 (2) and amended to read:

49.793 (2) ~~Except as provided in par. (b), a~~ [↓] ~~A~~ county or governing body of a federally recognized American Indian tribe may retain a portion of the amount of an overpayment the state is authorized to retain under 7 USC 2025 that is recovered under sub. (1) due to the efforts of an employee or officer of the county or tribe. The department shall promulgate a rule establishing the portion of the amount of the overpayment that the county or governing body may retain. This ~~paragraph~~ [↓] ~~subsection~~ does not apply to recovery of an overpayment that was made as a result of state, county, or tribal governing body error.

History: 2001 a. 16 ss. 1656ty, 1656tym; Stats. 2001 s. 49.793; 2009 a. 15.

****NOTE: Should references to county be eliminated from this section or might there be situations where the efforts of a county employee result in the recovery of an overpayment?

SECTION 78. 49.793 (2) (b) of the statutes is repealed.

SECTION 79. 49.795 (1) (e) 1. of the statutes is amended to read:

49.795 (1) (e) 1. An employee or officer of the federal government, the state, [↓] ~~a~~ county or a federally recognized American Indian tribe acting in the course of official duties in connection with the food stamp program.

****NOTE: This change assumes that there will be no county employees with official duties connected to the food stamp program. Is this correct?✓

History: 2001 a. 16 s. 1656tz; Stats. 2001 s. 49.795; 2001 a. 109.

1 **SECTION 80.** 49.795 (1) (e) 2. of the statutes is amended to read:

2 49.795 (1) (e) 2. A person acting in the course of duties under a contract with
3 the federal government, the state, [↓]a county or a federally recognized American
4 Indian tribe in connection with the food stamp program.✓

****NOTE: This change assumes that there will be no persons contracting with a county in connection with the food stamp program. Is this correct?✓

→ Ins B
History: 2001 a. 16 s. 1656tz; Stats. 2001 s. 49.795; 2001 a. 109.

5 **SECTION 81.** 49.797 (8) of the statutes is amended to read:

6 49.797 (8) COUNTY TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION.✓ The
7 department may not require a ~~county or~~ tribal governing body to participate in an
8 electronic benefit transfer system under this section if the costs to the ~~county or~~ tribal
9 governing body would be greater than the costs that the ~~county or~~ tribal governing
10 body would incur in delivering the benefits through a system that is not an electronic
11 benefit transfer system.✓

History: 2001 a. 16 ss. 1656u to 1656ue, 1656uj to 1656ut; Stats. 2001 s. 49.797; 2009 a. 28.✓

12 **SECTION 82.** 49.825 of the statutes is repealed.✓

13 **SECTION 83.** 49.847 (3) (a) of the statutes is renumbered 49.847 (3) and
14 amended to read:

15 49.847 (3) Subject to ss. 49.497 (2) and 49.793 (2), ^{plain space} and except as provided in par.
16 (b), a county or elected governing body may retain a portion of an amount recovered
17 under this section due to the efforts of an employee or officer of the county, tribe, or
18 band, as provided by the department by rule.✓

****NOTE: Should references to county be eliminated from this section or might there be situations where the efforts of a county employee result in the recovery of an overpayment?✓

History: 2005 a. 25; 2007 a. 20 s. 9121 (6) (a); 2009 a. 15.✓

19 **SECTION 84.** 49.847 (3) (b) of the statutes is repealed.✓

1 **SECTION 85.** 49.89 (7) (a) of the statutes is amended to read:

2 49.89 (7) (a) ~~Except as provided in par. (f), any~~ Any county or elected tribal
3 governing body that has made a recovery under this section shall receive an incentive
4 payment from the sum recovered as provided under this subsection.✓

History: 1977 c. 29; 1979 c. 221; 1981 c. 20; 1983 a. 27, 465; 1985 a. 29 ss. 1051, 1052, 3200 (23); 1987 a. 27 s. 3202 (24); 1989 a. 31; 1995 a. 27 ss. 3152 to 3177, 3214, 3215, 9126 (19), 9130 (4); Stats. 1995 s. 49.89; 1995 a. 407; 1997 a. 3; 1999 a. 9; 2007 a. 20 ss. 1750 to 1753, 9121 (6) (a); 2007 a. 96; 2009 a. 15.

5 **SECTION 86.** 49.89 (7) (f) of the statutes is repealed.✓

6 **SECTION 87.** 59.22 (2) (c) 2. of the statutes is amended to read:

7 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
8 rules of the department of children and families under s. ~~49.78 (4) to (7)~~ 49.19 (19g)✓
9 relating to employees administering old-age assistance, aid to families with
10 dependent children, aid to the blind, or aid to totally and permanently disabled
11 persons or ss. 63.01 to 63.17.✓

History: 1973 c. 118; 1977 c. 372; 1981 c. 317; 1987 a. 181; 1989 a. 48, 107; 1991 a. 316; 1995 a. 27 ss. 3287, 9126 (19); 1995 a. 201 ss. 257 to 260; Stats. 1995 s. 59.22; 1995 a. 225 s. 146; 1997 a. 35; 1999 a. 83; 2003 a. 33; 2007 a. 20.

12 **SECTION 88.** 63.03 (2) (r) of the statutes is amended to read:

13 63.03 (2) (r) All staff performing services ~~for the Milwaukee County enrollment~~
14 ~~services unit under s. 49.825 or for the child care provider services unit under s.~~
15 49.826.✓

History: 1971 c. 154; 1973 c. 12, 63, 262; 1977 c. 27, 323, 433, 447; 1981 c. 329 s. 31; 1985 a. 29 s. 3202 (56); 1985 a. 176; 1989 a. 31, 260, 268; 1991 a. 274; 1993 a. 16; 1995 a. 201; 2001 a. 61; 2009 a. 15, 28.

16 **SECTION 89.** 111.70 (1) (a) of the statutes is amended to read:

17 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
18 obligation of a municipal employer, through its officers and agents, and the
19 representative of its municipal employees in a collective bargaining unit, to meet and
20 confer at reasonable times, in good faith, with the intention of reaching an
21 agreement, or to resolve questions arising under such an agreement, with respect to
22 wages, hours, and conditions of employment, and with respect to a requirement of
23 the municipal employer for a municipal employee to perform law enforcement and

fire fighting services under s. 61.66 ^{keep comma} and for a school district with respect to any matter under sub. (4) (o), and for a school district with respect to any matter under sub. (4) (n), except as provided in subs. ~~(3m)~~ (3p), and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety, and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

NOTE: NOTE: Par. (a) is shown as affected by 2009 Wisconsin Acts 15, 28, 34, and 60 and as merged by the legislative reference bureau under s. 13.92 (2) (i). A necessary comma is shown in brackets. Corrective legislation is pending. NOTE:

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 439, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; s. 13.92 (2) (i).

SECTION 90. 111.70 (3m) of the statutes is repealed.

SECTION 91. 230.44 (1) (h) of the statutes is repealed.

SECTION 9121. Nonstatutory provisions; Health Services.

(1) TRANSFER OF INCOME MAINTENANCE ADMINISTRATION TO INCOME MAINTENANCE

ADMINISTRATION UNIT.

1 (a) *Definitions.* In this subsection:

2 1. "County" means a county administering income maintenance programs, as
3 defined in section 49.78 (1) (b) of the statutes, as affected by this act, on the effective
4 date of this subdivision.

5 2. "Department" means the department of health services.

6 3. "Income maintenance programs" has the meaning given in section 49.78 (1)
7 (b) of the statutes, as affected by this act.

8 4. "Unit" has the meaning given in section 49.78 (1) (f) of the statutes, as created
9 by this act.

10 (b) *Transition Plan.* On the effective date of this paragraph, the department
11 shall begin to transition the administration of the income maintenance programs
12 from counties to the unit. The department shall develop a transition plan that
13 includes a deadline by which each county must transfer to the department all records
14 in the possession of the county that are related to the administration of income
15 maintenance programs.

16 (c) *Delegation of administrative functions to counties.* Before May 1, 2012, the
17 department may delegate some or all of the administrative functions related to
18 income maintenance programs to counties, on a county by county basis. If the
19 department delegates administrative functions related to income maintenance
20 programs to a county, the county shall continue to perform the delegated
21 administrative functions until the department notifies the county that the unit is
22 prepared to assume responsibility for the administrative functions. The department
23 and a county to which the department delegates administrative functions related to
24 income maintenance programs shall enter into a contract to reimburse the county
25 for the reasonable costs of administering the administrative functions.

administrative

1 Reimbursements to counties that continue to administer income maintenance
2 programs shall be considered costs incurred by the unit to administer income
3 maintenance programs.✓

4 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1019/P1ins.
FFK:.....

Insert A - (p. 8 line before line 19)

SECTION 1. 49.155 (1) (ah) of the statutes is amended to read:

49.155 (1) (ah) "County department or agency" means a county department under s. 46.215, 46.22, or 46.23, ~~the unit, as defined in s. 49.825 (1) (e),~~ or a Wisconsin Works agency, child care resource and referral agency, or other agency. ✓

****NOTE: Should this reference be replaced with a reference to the child care provider services unit, as defined in s. 49.826 (1) (d)? ✓

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

Insert B - (p. 28 line before line 5)

SECTION 2. 49.795 (8) (d) 2. of the statutes is amended to read:

49.795 (8) (d) 2. The person may apply to the ~~county~~ department under ~~s. 46.215, 46.22 or 46.23~~ or the federally recognized American Indian tribal governing body or, if the person is a supplier, to the federal department of agriculture for reinstatement following the period of suspension, if the suspension is not permanent. ✓

History: 2001 a. 16 s. 1656tz; Stats. 2001 s. 49.795; 2001 a. 109.

Knepp, Fern

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]

Sent: Friday, February 04, 2011 4:06 PM

To: Knepp, Fern

Cc: Gauger, Michelle C - DOA

Subject: Income Maintenance Centralization BB0220, LRB1019/P1

Fern,

Here are some answers from DHS to your comments for the income maintenance centralization draft:

1. Elimination of the MiLES statute under s. 49.825: The draft would eliminate this section effective with the passage of the budget. We think this would create several problems during the transition period from July 2011 through April 2012 so it needs to be changed. The problems are:

a. During the transition, we still need authority to supervise county staff. While the language in the draft allows us to contract with a county during the transition period, it would not give us authority to supervise Milwaukee county staff during that period.

b. The draft would eliminate Milwaukee's obligation to make its \$2.7 million contribution in FY 12. We need the county to continue make the contribution in FY 12.

c. Current statutes allow Milwaukee county workers who became state workers to remain in the county retirement system. The draft eliminates this provision, thereby endangering their ability to do so.

d. Current law gives DCF the option to contract with us for child care eligibility staff. We would like to retain DCF's option to do so, even after the transition.

Shelley's recommended solution to this problem is: Retain current law s. 49.825 but add language to the section saying 'until the department determines the IM unit will assume the duties in this section,...' This would effectively sunset the section once we deem the new IM unit is up and running.

✓2. Drafter's note Section 1. It's OK with us to give us the option to fund IM staff from (4)(bm)

✓3. Section 2: The draft would have us pay tribes who elect to keep running their own IM programs from (4)(bn), 9414). We would like to modify section 2 so that the tribes would be paid from (4)(bm). This way, whether we are operating the tribal IM or they are, the funding will be in the same appropriation.

✓4. Section 5 Drafter's Note: Fine as drafted.

5. Section 17 Drafter's Note: This question needs to be posed to DCF, will get back to you.

✓6. Section 19. See comment 1.d. above

7. Section 23: This section modifies s. 49.45(2)(b)2. to exempt us from Chapter 16 requirements when contracting for the new unit. However, it is written very broadly, to opt us out of Chapter 16 for all MA contracts (e.g. the core HP contract, Deloitte, etc.) We think this is too broad -- we prefer an exemption that applies to the new IM unit only.

8. Drafter's Note Section 30. Fine as drafted.

9. Section 32-37, 59, 61, etc. -- The draft eliminates "county" in these sections. During the transition period, does "department" equal "county" in cases where we choose to continue to contract with county prior to May 2012? We want to make sure we are not eliminating the ability of the county to act as an IM agency during the transition.

✓10. Drafter's Note Section 42. The answer is yes, if the tribe elects to continue to run an IM agency.

* 10.a. Section 45. Currently, county IM agencies perform eligibility determination for caretaker supplement under s. 49.775. I'm not sure if any one has thought about who will do this in the new system. As drafted, could the new unit perform this function?

The dept shall... -
the dept cannot fulfill obligation through the unit

2/4/2011

11. Section 46. This section creates a definition for "income maintenance worker." We are unclear how this definition is used in the draft. It defines him/her as "a person employed by the department..." We are concerned because the large majority of workers in the new IM unit will be contract staff, and therefore will not be "employed by" the Department. Could you clarify how the definition is used?

↳ 49.78(3) dept shall promulgate rules for IM workers.

current rules
definition

12. Section 71. The draft adds language stating that "...the Department shall reimburse a county or tribe for the reasonable costs of administering" funeral, cemetery, and burial payments. This is contrary to our intent! There will be no money to pay counties for admin costs for the program. We will reimburse them for the funeral, cemetery, burial costs they pay to families, but there will no admin funding available.

13. Section 76 Drafter's note. Fine as drafted.

14. Section 77 drafter's note. Fine as drafted we think.

15. Section 78, 79, 80, 81, 85 drafter's notes. Fine as drafted we think.

16. NEW ITEM: in state fiscal year 2012-13 and every year thereafter, reduce the amount of community aids allocated to each county under s. 20.435(7)(b) by the amount of local funding counties provided for income maintenance activities in calendar year 2009, as determined by DHS.

Thank you!

Also: any word on the FoodShare transfer draft?

Marta Skwarczek

Wisconsin Department of Administration
Division of Executive Budget and Finance
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

Knepp, Fern

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]

Sent: Tuesday, February 08, 2011 2:48 PM

To: Knepp, Fern

Subject: RE: LRB-0150

Fern,

Once state-only FoodShare is eliminated, Funeral and Burial aids gets its own appropriation, and income maintenance is centralized at the statewide level, it is my understanding that nothing will remain in 20.435 (4)(bn).

Marta Skwarczek

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Knepp, Fern [mailto:Fern.Knepp@legis.wisconsin.gov]

Sent: Tuesday, February 08, 2011 1:44 PM

To: Skwarczek, Marta A - DOA

Subject: RE: LRB-0150

Marta,

I am working on the redraft of the IM centralization draft. Can you tell me what programs should be funded out of 20.435 (4) (bn)? Based on the comments from DHS and Pam's draft discussed below, it seems that all that is left in (4) (bn) is the food stamp employment program. Is this correct?

The funeral program under s. 49.785:

As drafted, the definition of "income maintenance programs" is effective on the general effective date of the budget. This means that administration of the funeral program moves to the counties on the effective date of the budget. Is this intent for Milwaukee County? In other words, is it DHS's intent the administration of the funeral program move from the Milwaukee unit to Milwaukee County on the effective date of the budget? If instead DHS wants the Milwaukee unit to continue to administer the funeral program during the transition period, we need language in 20.435 (4) (bn) or (bm) [please let me know which account] for administrative costs of the funeral program administered by the Milwaukee unit.

Thank,
Fern

From: Kahler, Pam

Sent: Monday, February 07, 2011 4:12 PM

To: Skwarczek, Marta A - DOA

Cc: Knepp, Fern

Subject: LRB-0150

Hi, Marta:

Fern may have mentioned to you that we (she and I) would like to do a mini-compile of the drafts that are affecting the same sections (such as the income maintenance administration draft, the transfer of food stamps draft, and the transfer of the SSI supplemental programs draft), since it will be easier to do before all of the drafts are compiled into the budget bill. I have one tiny draft that should be part of that mini-compile, too, if it is going to stay in the budget - LRB-0150, which creates a new appropriation for the cemetery and funeral and burial expenses program. Is that draft going to stay in? If so, how does it fit with the others, since the new appropriation created in that draft pays for administration of the program.

2/9/2011

Fern and I thought that, under the grand scheme of things, the state was going to reimburse counties for the actual payments, but not pay any administrative costs of the program. Thanks for your thoughts!

Pam

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682

Knepp, Fern

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]

Sent: Monday, February 07, 2011 11:25 AM

To: Knepp, Fern

Subject: RE: Income Maintenance Centralization BB0220, LRB1019/P1

Sorry for the confusion. County employees should not be permitted to continue to participate in the Milwaukee retirement system.

Marta Skwarczek

Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Knepp, Fern [mailto:Fern.Knepp@legis.wisconsin.gov]

Sent: Monday, February 07, 2011 11:09 AM

To: Skwarczek, Marta A - DOA

Subject: RE: Income Maintenance Centralization BB0220, LRB1019/P1

Thanks, Marta.

In previous correspondence, you indicated that county employees who became state employees when the Milwaukee unit was created would not be permitted to continue to participate in the Milwaukee retirement system. Comment 1c below, indicates that they should be permitted to continue in the county retirement system. If this is the case, would these employees be permitted to stay in the Milwaukee retirement system for as long as they work for the state or only for as long as they work for the IM unit?

As far as I know, the FoodShare draft is still in editing.

Thanks,
Fern

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]

Sent: Friday, February 04, 2011 4:06 PM

To: Knepp, Fern

Cc: Gauger, Michelle C - DOA

Subject: Income Maintenance Centralization BB0220, LRB1019/P1

Fern,

Here are some answers from DHS to your comments for the income maintenance centralization draft:

1. Elimination of the MiLES statute under s. 49.825: The draft would eliminate this section effective with the passage of the budget. We think this would create several problems during the transition period from July 2011 through April 2012 so it needs to be changed. The problems are:

- a. During the transition, we still need authority to supervise county staff. While the language in the draft allows us to contract with a county during the transition period, it would not give us authority to supervise Milwaukee county staff during that period.
- b. The draft would eliminate Milwaukee's obligation to make its \$2.7 million contribution in FY 12. We need the county to continue make the contribution in FY 12.
- c. Current statutes allow Milwaukee county workers who became state workers to remain in the county retirement system. The draft eliminates this provision, thereby endangering their ability to do so.
- d. Current law gives DCF the option to contract with us for child care eligibility staff. We would like to retain DCF's option to do so, even after the transition.

Shelley's recommended solution to this problem is: Retain current law s. 49.825 but add language to the section saying 'until the department determines the IM unit will assume the duties in this section,...' This would effectively sunset the section once we deem the new IM unit is up and running.

2/7/2011

2. Drafter's note Section 1. It's OK with us to give us the option to fund IM staff from (4)(bm)
3. Section 2: The draft would have us pay tribes who elect to keep running their own IM programs from (4)(bn), 9414). We would like to modify section 2 so that the tribes would be paid from (4)(bm). This way, whether we are operating the tribal IM or they are, the funding will be in the same appropriation.
4. Section 5 Drafter's Note: Fine as drafted.
5. Section 17 Drafter's Note: This question needs to be posed to DCF, will get back to you.
6. Section 19. See comment 1.d. above
7. Section 23: This section modifies s. 49.45(2)(b)2. to exempt us from Chapter 16 requirements when contracting for the new unit. However, it is written very broadly, to opt us out of Chapter 16 for all MA contracts (e.g, the core HP contract, Deloitte, etc.) We think this is too broad -- we prefer an exemption that applies to the new IM unit only.
8. Drafter's Note Section 30. Fine as drafted.
9. Section 32-37, 59, 61, etc. -- The draft eliminates "county" in these sections. During the transition period, does "department" equal "county" in cases where we choose to continue to contract with county prior to May 2012? We want to make sure we are not eliminating the ability of the county to act as an IM agency during the transition.
10. Drafter's Note Section 42. The answer is yes, if the tribe elects to continue to run an IM agency.
- 10.a. Section 45. Currently, county IM agencies perform eligibility determination for caretaker supplement under s. 49.775. I'm not sure if any one has thought about who will do this in the new system. As drafted, could the new unit perform this function?
11. Section 46. This section creates a definition for "income maintenance worker." We are unclear how this definition is used in the draft. It defines him/her as "a person employed by the department..." We are concerned because the large majority of workers in the new IM unit will be contract staff, and therefore will not be "employed by" the Department. Could you clarify how the definition is used?
12. Section 71. The draft adds language stating that "...the Department shall reimburse a county or tribe for the reasonable costs of administering" funeral, cemetery, and burial payments. This is contrary to our intent! There will be no money to pay counties for admin costs for the program. We will reimburse them for the funeral, cemetery, burial costs they pay to families, but there will no admin funding available.
13. Section 76 Drafter's note. Fine as drafted.
14. Section 77 drafter's note. Fine as drafted we think.
15. Section 78, 79, 80,81, 85 drafter's notes. Fine as drafted we think.
16. NEW ITEM: in state fiscal year 2012-13 and every year thereafter, reduce the amount of community aids allocated to each county under s. 20.435(7)(b) by the amount of local funding counties provided for income maintenance activities in calendar year 2009, as determined by DHS.

Thank you!

Also: any word on the FoodShare transfer draft?

Marta Skwarczek

Wisconsin Department of Administration
Division of Executive Budget and Finance
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980